



## Western Piedmont Council of Governments

736 Fourth Street SW, Hickory, NC 28602

PO Box 9026, Hickory, NC 28603

828.322.9191 • Fax: 828.322.5991 • [www.wpcog.org](http://www.wpcog.org)

Over 35 Years of Regional Leadership

August 14, 2007

Richard Gannon, Director NPS Planning Unit  
Division of Water Quality  
NC Department of Environment and Natural Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

Dear Mr. Gannon

The NC Division of Water Quality's recently proposed Nutrient Strategy for Jordan Reservoir Watershed is designed around nitrogen (N) and phosphorus (P) percentage reduction goals for each of the three arms of Jordan Reservoir. The proposed set of rules would involve a comprehensive effort to address nutrient sources to Jordan Reservoir to meet the reduction goals established in the TMDL. It would entail reductions by point source discharges and in nutrient runoff from agriculture, existing development, and new development. Riparian buffer protection rules would largely stem loading increases that would otherwise result from loss of those landscape features, while requirements to establish buffers during a change in land use would achieve some loading reduction. According to the Piedmont Triad Council of Governments, "In their current form, these rules will be the strictest watershed rules to date in North Carolina with the inclusion of unprecedented measures requiring stormwater retrofits for existing development."

Changes from previous nutrient strategies implemented in the Neuse and Tar-Pamlico River Basins include stormwater requirements for all local governments in the watershed, local implementation of buffer rules, a rule requiring local governments to achieve loading reductions from existing developed lands, a separate stormwater rule for State and Federal entities, and a separate rule outlining a trading framework to maximize options for cost-effective reductions.

One of the twelve rules in the Strategy, all falling under Section 15A NCAC 2B;

**Strategy - .0266, Stormwater Management for Existing Development** – All local governments would incrementally implement sustainable loading-reducing measures on *existing developed lands* toward the percent reduction goals.

causes the greatest concern to our organization due to the undue financial burden this places on already limited municipal resources.

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According to the Piedmont Triad COG, estimated costs to local government to meet requirements for stormwater retrofits on existing development could be \$403,000,000.00 over five years. All local governments (cities and counties) in the watershed will be required to install retrofit storm water controls on existing developed lands. Retrofit programs must begin within four years of the effective date of the rule. Additional costs beyond five years are associated with the existing development stormwater rule, the existing development portion of the state and federal stormwater rule (timeframes for both to be proposed by affected parties), and the wastewater rule (seven years).

The DWQ's suggestion (see below) that monies would be available through grants is extremely optimistic and even if obtained at their current levels would be woefully inadequate.

- (i) A local government may seek supplemental funding for implementation of load-reducing activities through grant sources such as the North Carolina Clean Water Management Trust Fund, the North Carolina Clean Water Act Section 319 Grant Program, or other funding programs for nonpoint sources;

The Catawba River Study Committee through the Western Piedmont Council of Governments, currently has active projects funded by each of the above mentioned grant resources in addition to several in the unspecified others category. Redirection of these grant funds to Jordon Lake Watershed in future years to help offset significant costs associated with the proposed rules would have detrimental affects to our local water quality efforts and those of other organizations around the state.

The NC Division of Water Quality's efforts to protect the waters of the state are appreciated by our organization. The 28 municipalities represented in the Catawba River Study Committee have also sought to be good stewards of our respective water resources and have been actively engaged in seeking water quality improvements in the region for over 20 years. The CRSC however, requests the Division reconsider and modify rules before adoption by the Environmental Management Commission and before these rules reach the 2008 session of the General Assembly. Retrofits to existing development will impose an overwhelming financial burden on local governments throughout the state if these rules become precedent setting. Please consider an approach that measurably improves water quality, focuses fairly and proportionately on all the sources of non-point source pollution, while taking into account economic impacts.

Tony R. Gallegos  
Water Quality Administrator

On Behalf of Catawba River Study Committee Members:

**Alexander County**

Taylorsville

**Burke County**

Connelly Springs

Drexel

Glen Alpine

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Cc. Doug Taylor, Executive Director